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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,024	09/09/1999	SUZANNE S. ALLISON	2543-128329	2147

26694 7590 01/13/2003

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/393024

Applicant(s)

Allison et al

Examiner

Fellen

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10/07/2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 27-32 is/are allowed.
- 6) ☐ Claim(s) 1, 9, 10, 25, 26 is/are rejected.
- 7) ☐ Claim(s) 2-8, 11-24 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

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4 1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form
5 the basis for the rejections under this section made in this Office action:

6 A person shall be entitled to a patent unless --

7 (b) the invention was patented or described in a printed publication in this or a foreign country or in public
8 use or on sale in this country, more than one year prior to the date of application for patent in the United
9 States.

10
11 2. Claims 1, 9, 10, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by
12 "New Stock Market Software Signals What and When to Trade," Business Wire; New York;
13 May 18, 1992 (hereinafter, "Chmiel").

14 As per claim 1:

15 Chmiel discloses a method for determining at least one financial strategy for assets to
16 meet financial goals, comprising the steps of:

17 determining an outcome for each of a plurality strategies to meet the financial goals
18 using a software-implemented decision analysis and outcomes for the financial strategies (see
19 Chmiel, page 2, ll. 1-27 and 41-44).

1 As per **claim 9:**

2 Chmiel discloses wherein selecting at least one of the financial strategies comprises the
3 step of using financial preferences providing by an investor (see Chmiel, page 2, ll. 1-27 and
4 41-44).

5
6 **Re claim 10:**

7 wherein selecting at least one of the financial strategies comprises the step of using
8 input provided by the financial planner (see Chmiel, page 2, ll. 1-27 and 41-44).

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10 **As per claims 25 and 26:**

11 a computer system for performing the method of claim 1 (see Chmiel, page 2, ll. 1-27
12 and 41-44).

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Allowable Subject Matter

3. Claims 2-8 and 11-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

5. Claims 27-32 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Claim 27 discloses a method for determining at least one financial strategy for assets where in a number of Monte Carlo simulations are used for each of the financial strategies; and as in claim 28, selecting at least one financial strategies to meet financial goals using soft-ware implemented multi-attribute theory.

as in claim 29, means for determining a score for each of the financial strategies using a preference model and outcomes from the project engine;

as in claims 30 and 31, an information storage device embodying a questionnaire for and investor wherein the Monte Carlo simulations use the financial preferences of the investor

1
2 information storage device embodying a

3 Any comments considered necessary by applicant must be submitted no later than the
4 payment of the issue fee and, to avoid processing delays, should preferably accompany the
5 issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for
6 Allowance."

7
8 *Conclusion*

9
10 7. A list of relevant prior art appears below not relied upon in this Office Action:

11 **Non- Patented Literature:**

12 "AIQ Systems Announces Release of TradingExpert Pro Version 5.0 Utilizing Real-Time
13 Quotes", Business New York; Nov 12, 1998.

14 "Track Data and Colt Internet to Offer Unique Continuously Updated Internet Share Price
15 Service in Europe", Business Wire; New York; Nov 11, 1998

16 "Track Data and Track Securities Announced Today Plans to Provide myTrack Users With On-
17 Line Trading Services" Business Wire; New York; Dec 30, 1998

18 "Track Data Announces Its AIQ Systems Division Released Its Option Analysis Software
19 Product--OptionExpert" Business Wire; New York; Nov 9, 1999

20 "AIQ Systems announces release of TradingExpert Pro Version 5.0 Utilizing Real-Time
21 Quotes"; Business Wire; New York; Nov 12, 1998

22
23 AIQ website (<http://aiqsystems.com/optionexpert2.htm>)

1 8. Any inquiry concerning this communication or earlier communications from the examiner
2 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The
3 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
4 Any inquiry of a general nature relating to the status of this application or its proceedings should
5 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
6 ***Vincent Millin*** whose telephone number is (703) 308-1065.

7
8 9. Response to this action should be mailed to:

9
10 Commissioner of Patents and Trademarks

11 Washington, D.C. 20231

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15
16 for formal communications intended for entry, or (703) 305-0040, for informal or draft
17 communications, please label "Proposed" or "Draft".

18 Communications via Internet e-mail regarding this application, other than those under 35
19 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
20 addressed to [*daniel.felten@uspto.gov*].

21 All Internet e-mail communications will be made of record in the application file. PTO
22 employees do not engage in Internet communications where there exists a possibility that
23 sensitive information could be identified or exchanged unless the record includes a properly
24 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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Applicant(s): (705/35)

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Representative: Satori (41,289)

1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
2 Trademark on February 25, 1997 at 1 195 OG 89.

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4 

5 DSF

6 January 6, 2003

V. Miltia
V. M
SPÉ 3624